

AMENDMENTS TO THE DRAWINGS:

The Applicants respectfully presents herewith replacement Figs. 1 and 4, which include the desired changes, without markings, and which comply with 37 C.F.R. §1.84. The changes made to Figs. 1 and 4 are explained in the accompanying remarks section below.

REMARKS

The Office Action dated September 12, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1-4 have been amended. No new matter has been added. The amendments to the claims do not narrow the scope of the claims. Claims 1-4 are pending and respectfully submitted for consideration.

Objections to the Drawings

The drawings were objected to for minor informalities as discussed below:

In Figure 1 the reference sign (2) mentioned on page 4 of the specification and referring to a first rotary carousel, has been added.

The Office Action stated that the Specification refers to a first hopper (30). The Applicants respectfully submit that the reference sign (30) refers to a feed hopper and not to a first hopper and such a reference sign is labeled in Figure 1, as originally filed.

In Figure 4, the reference sign (24) has been changed to reference sign (18), referring to the central channel.

The Office Action stated that on page 4 of the Specification, the label (3) refers both to a slide unit and a pick up means. The Applicants have amended the Specification responsive to the objection.

In view of the above, the Applicants respectfully request withdrawal of the drawing objections.

Rejections Under 35 U.S.C. § 102

Claims 1, 2 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Johnston et al. (U.S. Patent No. 6,357,490 B1, "Johnston"). Claims 2 and 4 depend from claim 1. The Applicants traverse the rejection and respectfully submit that all claims are in compliance with U.S. patent practice.

Johnston discloses a container filling system 120 having a container filler 60 including a carousel 62. The carousel 62 supports a plurality of container handling mechanisms 70. As the carousel 62 rotates, the container handling mechanism 70 rotates to position B, as shown in Fig. 6, which is a container separating position. The container having been filled, the carousel 62 rotates to place the container handling mechanism 70 into position D, a container closing position. Adjacent the carousel 62 at position C is a dosing portion 100 having a dosing hole 102 and a dosing plate 104. The dosing hole 102 of the dosing plate 104 is filled with a material, such as a powder, to be supplied from a powder hopper 106 to the container to be filled. Once the dose has been formed in the dosing hole 102, the dosing plate 104 will slide to position the dosing hole 102 above the container receptacle 72, and thus above the container to be filled. See column 7, line 4- to column 8, line 58 of Johnston.

The Applicants respectfully submit that Johnston fails to disclose or suggest the claimed features of the invention. The Office Action took the position that Johnston discloses a capsule filling machine with a plurality of reciprocating doser means (78) mounted at regular intervals on a rotating carousel (62) as shown in Fig. 6 of Johnston. See page 3, paragraph 4 of the Office Action.

The Applicants respectfully submit, however, that Johnston does not disclose or suggest at least the feature of a second carousel that rotates in such a way that it is synchronized with the first rotary carousel and has a plurality of reciprocating doser means moving between a first operating position in which the plurality of doser means pick up particulate pharmaceutical material from a tank. Johnston also does not disclose or suggest at least the feature of a hollow nozzle with a plurality of seats on an edge thereof for picking up and holding the particulate pharmaceutical material. As such, Johnston does not disclose or suggest the features of the invention as recited in claim 1.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim... [t]he identical invention must be shown in as complete detail as is contained in the patent claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). The Applicants respectfully submit that Johnston does not disclose or suggest the features of the invention as arranged in claim 1. Accordingly, Johnston does not anticipate claim 1, nor is claim 1, obvious in view of Johnston. As such, the Applicants submit that claim 1 is allowable over Johnston. Accordingly, the Applicants respectfully request that the rejection under U.S.C. §102 be withdrawn.

The Applicants further submit that claims 2 and 4, which depend from claim 1, are allowable for at least the same reasons.

Rejection Under 35 U.S.C. § 103

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnston. Claim 3 depends from claim 1. The Applicants respectfully submit that, as Johnston does not disclose or suggest the features of claim 1, Johnston also fails to disclose or suggest the features of the invention as recited in dependent claim 3. Accordingly, the Applicants respectfully request that the rejection under U.S.C. §103 be withdrawn.

Conclusion

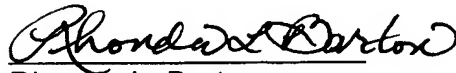
The Applicants respectfully submit that claim 1 is allowable. Claims 2-4 depend from claim 1. The Applicants further submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicants respectfully request withdrawal of the objections and rejections, allowance of claims 1-4 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 023349-00301.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rhonda L. Barton". The signature is fluid and cursive, with the first name "Rhonda" being more prominent.

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Enclosure: Replacement Sheets (2) of Drawing Figures 1 and 4